

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

)	CASE NO.
)	
CATHERINE BYRD)	
559 Meadowglenn Lane)	
Tallmadge, OH 44278)	
)	JUDGE
Plaintiff,)	
)	MAGISTRATE JUDGE
)	
vs.)	<u>PLAINTIFF'S COMPLAINT</u>
)	
CHARTER COMMUNICATIONS, INC)	
)	(Jury Demand Endorsed Herein)
)	
Statutory Agent:)	
)	
Corporation Service Company)	
50 West Broad Street Suite 1330)	
Columbus, OH 43215)	
)	
Defendant.)	

Now comes Plaintiff, Catherine Byrd, by and through counsel, and for a Complaint against Defendant Charter Communications, Inc. ("Charter"), states and alleges the following:

INTRODUCTION

1. Plaintiff brings this lawsuit as a result of Defendant's failure to pay Plaintiff overtime compensation at the rate of one and one-half times her regular rate of pay for all of the hours she worked over 40 in a workweek, in violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201-219.

JURISDICTION AND VENUE

2. The Court has jurisdiction over Plaintiff's FLSA claims pursuant to 28 U.S.C. § 1331.

3. Venue lies in this Court pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in Cuyahoga County, within this District and Division. For example, Plaintiff spent a significant amount of her employment working in Cuyahoga County, within this District and Division.

PARTIES

4. At all times relevant herein, Plaintiff was a citizen of the United States and a resident of Ohio

5. At all times relevant herein, Plaintiff was an employee within the meaning of 29 U.S.C. § 203(e).

6. At all times relevant herein, Defendant conducted business in Cuyahoga County, among others.

7. At all times relevant herein, Defendant was an employer within the meaning of 29 U.S.C. § 203(d).

8. At all times relevant herein, Defendant was an enterprise within the meaning of 29 U.S.C. § 203(r).

9. At all times relevant herein, Defendant was an enterprise engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. § 203(s)(1).

10. At all times relevant herein, Plaintiff was an employee engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. §§ 206-207.

FACTUAL ALLEGATIONS
(Failure to Pay Overtime Compensation)

11. Plaintiff has been employed by Defendant, a telecommunications company (and by its predecessor entity, Time Warner Cable), since approximately 2001.

12. Plaintiff's current position with Defendant, which she held since 2015, is a customer care facilitator who worked out of, among others, the Garfield Heights and North Canton, Ohio offices.

13. As a customer care facilitator, Plaintiff trains and assists new customer service representatives.

14. Defendant pays Plaintiff a salary wage and classifies her as "exempt" from the FLSA's overtime requirements as a customer care facilitator.

15. As a customer care facilitator, Plaintiff does not have authority to hire, fire, or promote employees.

16. As a customer care facilitator, Plaintiff's primary duty is not engaging in management.

17. As a customer care facilitator, Plaintiff's primary duty does not include the exercise of discretion and independent judgment with respect to matters of significance.

18. As a customer care facilitator, Plaintiff works over 40 hours per week, but Defendant fails to pay Plaintiff overtime compensation for the hours she works over 40 in a workweek.

19. Defendant knowingly and willfully failed to pay Plaintiff overtime compensation for the hours she worked over 40 in a workweek.

20. Plaintiff worked approximately 900 hours of overtime for which she was not compensated while employed as a customer care facilitator.

COUNT ONE
(Fair Labor Standards Act Violations)

21. Plaintiff incorporates by reference the foregoing allegations as if fully rewritten herein.

22. Defendant's failure to pay Plaintiff overtime compensation at a rate of one and one-half times her regular rate of pay for all of the hours she worked over 40 in a workweek violated the FLSA, 29 U.S.C. §§ 201-219.

23. By engaging in the above-mentioned activities, Defendant willfully, knowingly and/or recklessly violated the provisions of the FLSA.

24. As a result of Defendant's practices and policies, Plaintiff has been damaged in that she has not received overtime due to her pursuant to the FLSA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court:

- A. Award Plaintiff actual damages for unpaid overtime compensation;
- B. Award Plaintiff liquidated damages equal in amount to the unpaid overtime compensation found due to Plaintiff under the FLSA;
- C. Award Plaintiff pre- and post-judgment interest at the statutory rate;
- D. Award Plaintiff attorneys' fees, costs, and disbursements; and
- E. Award Plaintiff further and additional relief as this Court deems just and proper.

Respectfully submitted,

/s/ David J. Steiner
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JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

/s/ David J. Steiner
Attorney for Plaintiff